

Office of Health Insurance Programs

Division of Long Term Care

**MLTC Policy 14.08: Paying for Live-In 24 Hour Care for Personal Care Services
and Consumer Directed Personal Assistance Services**

Date of Issuance: November 24, 2014

This purpose of this policy is to clarify the Guidelines for the Provision of Personal Care Services (PCS) in Medicaid Managed Care Section I (a)(x) and Guidelines for Consumer Directed Personal Assistance Service (CDPAS). This policy provides guidance on live-in 24 hour Personal Care Services and live-in 24 hour Consumer Directed Personal Assistance. This clarification is being provided in accordance with guidance issued from the US Department of Labor (29 CFR 785.22) and the NYS Department of Labor (Counsel Opinion Letter, N.Y. Dept. of Labor, RO-09-00169 “Live-In Companions”).

Previous guidance on how to pay individuals working on live-in cases indicated that the rate of payment was based on 12 hours of care. Effective immediately, MLTCPs and their network providers are required to provide a rate of payment that is based on at least 13 hours of care. The payment of live-in cases under this policy will be retroactive to April 1, 2014.

The Department is aware that many providers are already paying for at least 13 hours of work in accordance with the US Department of Labor and NYS Department of Labor guidance. It is the intent of this policy to bring all MLTCPs and providers into compliance with the same policy.

If you have any questions, please contact your plan manager.